

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JOHN G. SCHNEEWEIS,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

CASE NO. 16cv1528-WQH-KSC

ORDER

HAYES, Judge:

On June 18, 2016, Plaintiff initiated this action by filing a Complaint (ECF No. 1) and a motion to proceed in forma pauperis (ECF No. 3).

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$400.00. *See* 28 U.S.C. § 1914(a); S.D. Cal. Civ. L.R. 4.5. An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).


In an affidavit attached to the motion to proceed in forma pauperis, Plaintiff states that he last worked in 2000 and his only source of income is \$190.00 per month in food stamps. (ECF No. 2 at 2). Plaintiff states that he has \$1.00 in his only bank account and he does not own an automobile, real estate, or other property of value. *Id.* at 2-3. After considering Plaintiff's motion and affidavit, the Court determines that

1 Plaintiff cannot afford to pay the filing fee in this case and is eligible to proceed in  
2 forma pauperis pursuant to 28 U.S.C. § 1915(a).

3 IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis  
4 (ECF No. 3) is granted.

5 IT IS FURTHER ORDERED that all matters arising in this Social Security case  
6 are referred to the Honorable Karen S. Crawford, United States Magistrate Judge,  
7 pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

8 DATED: June 24, 2016

9   
10 **WILLIAM Q. HAYES**  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28